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EXAMINER	
BELOUSOV, ANDREY	
ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/552,025	HORENTRUP ET AL.	
	Examiner	Art Unit	
	ANDREY BELOUSOV	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in responsive to the amendment of 11/05/2008. Claims 1-14 are pending and have been considered below.

Claim Objections

2. Claim 8 is objected to because of the following informalities: Amendment of "comprising a horizontal address and a vertical address" on line 2 was already previously amended into claim 8.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-11, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Piroumian (Vartan Piroumian, Java™ GUI Development, the Authoritative Solution, Copyright (c) 1999 by Sams Publishing.)

Claim 1, 2: Piroumian discloses a method for decoding (mapping from Java Program to AWT, to Java VM, to Native System Libraries, to Window Manager, to Display; Fig. 2.1 page 19) a menu data segment, the method comprising the steps of

a. detecting within the menu data segment (program application logic, pg. 12), data corresponding to a plurality of menu items belonging to a menu page (pg. 12, components, such as the JMenu, pg. 229 and JMenuItem, pg. 232);

b. extracting from the menu data segment for each menu item of the plurality of menu items at least first data defining whether the menu item is selectable (pg. 232: setEnabled) and second data defining whether the menu item has graphic representation data associated (JMenuItem(Icon icon), pg. 232);

c. decoding data corresponding to first menu items to selectable display data (fig. 7.15, pg. 228), wherein the first menu items are menu buttons (pg. 228, 229, JRadioButtonMenuItem) and have graphic representation data associated (Fig. 7.15);

d. decoding data corresponding to second menu items to non-selectable and visible display data, wherein the second menu items have graphic representation data associated (pg. 227, menu1.addSeparator(); Fig. 7.15); and

e. decoding data corresponding to third menu items to selectable and invisible menu elements (pg. 232, JMenuItem(), "No-arg constructor. It creates a menu item with no defined text or icon), wherein the third menu items have no associated graphic representation data, and wherein the third menu items are menu buttons that are automatically activated upon selection (pg. 232, void setAccelerator(KeyStroke keystroke), "Set the KeyStroke object that represetnt the key combination which selects the menu item.)

Claim 3, 9: Piroumian discloses the method according to claim 1, wherein the menu data segment defines a multi-page menu (Fig. 7.14, pg. 225, "Menu 1", "Menu 2", "Menu 3"), and wherein the first menu items are displayed for at least one, but not for every menu page of the multi-page menu (Fig. 7.14, pg. 225, "Menu Item 1", "Menu Item 2"), and the menu data segment includes data defining for each menu page which of the first menu buttons is to be rendered visible on the display (pg. 227, top block of code; adding menu items.)

Claim 4: Piroumian discloses the method according to claim 1, wherein a first menu item may have one of the states unselected, selected or activated (pg. 225, selected, unselected; pg. 232, isArmed()), and wherein the second data extracted for each of the menu items enables defining that a menu item has graphic representation data (pg. 232, icons) for one of said states associated (e.g. unselected state, pg. 225) and stored within said menu data segment, but not for another of said states (Fig. 7.14.)

Claim 7: Piroumian discloses the method according to claim 1, wherein at least the data corresponding to said first and second menu items have the same data structure within said menu page (JMenuItem data structure, pg. 232.)

Claim 8: Piroumian discloses the method according to claim 1, wherein the first and the second menu items have associated display positions comprising a horizontal address and a vertical address (inherent feature as indicated by: page 2 of 42:

"BOTTOM_ALIGNMENT, CENTER_ALIGNMENT, LEFT ALIGNMENT, RIGHT ALIGNMENT, and TOP_ALIGNMENT; page 5 of 13 JMenuItem: "setAlignmentX," "setAlignmentY", inherited from JComponent (page 19, 20 of 42)) and need not overlap (Fig. 7.14, 7.15.)

Claim 10: Piroumian discloses the apparatus for decoding according to claim 2, wherein a menu button may have one of the states unselected, selected or activated (pg. 225, selected, unselected; pg. 232, isArmed()), further comprising means for determining, based on second data, for each of the states of a menu button individually whether or not it has graphic representation data associated (pg. 232, Component getComponent()).

Claim 11: Piroumian discloses apparatus for decoding according to claim 2, further comprising means for decoding for the selectable display data of the first menu items associated display positions (pg. 227, top code block directs the order of display, and hence the positions), and means for decoding for the non-selectable display data of the second menu items associated display positions (pg. 227, menu1.addSeparator()), wherein the display positions of the first and second menu items comprise a horizontal address and a vertical address (inherent feature as indicated by: page 2 of 42: "BOTTOM_ALIGNMENT, CENTER_ALIGNMENT, LEFT ALIGNMENT, RIGHT ALIGNMENT, and TOP_ALIGNMENT; page 5 of 13 JMenuItem: "setAlignmentX,"

"setAlignmentY", inherited from JComponent (page 19, 20 of 42)) need not overlap (Fig. 7.15.)

Claim 13, 14: Piroumian discloses the method according to claim 1, wherein the graphic representation data associated to the second menu items are individual (existing as distinct entity, or distinguished by specific attributes or identifying traits; e.g. specified position in the menu order) for each of the second menu items (pg. 227.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piroumian in view of jlGui (jlGui, Java Music Player, version 2.1.1, April 1, 2002; http://web.archive.org/web/20021012174158/www.javazoom.net/jlgui/sources.hrml.)

Claim 5, 12: Piroumian discloses the method according to claim 1. However, Piroumian does not explicitly disclose wherein sound data are associated to a state of a menu button, the sound data and the menu data segment being read from a single storage medium and being played back upon entry of the button into the associated state. jlGui discloses a Java Applet, wherein sound data are associated to a state of a menu button,

the sound data and the menu data segment being read from storage medium and being played back upon entry of the button into the associated state (pg. 1.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of Piroumian and jlGui so as to provide sound data associated with a menu button for playback. One would have been motivated to combine the teaching of jlGui into Piroumian because jlGui uses the same Java Foundation Classes (JFC) as those used in examples in Piroumian without expounding on further the capabilities allowed by JFC (javax.sound package) as is shown in jlGui.

jlGui does not explicitly disclose wherein the sound data and menu data segment are read from a single storage medium. The Examiner takes Official Notice that personal computers with a single hard disk drive are old and well known in computing arts. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a personal computer having a single hard disk drive so as to store all personal, operating system, and application data thereon, (including sound and menu data) so as to meet the demands of users wanting to play back stored music files on their personal hard disk drives.

Claim 6: Piroumian discloses the method according to claim 1. However, Piroumian does not explicitly disclose wherein the menu controls playback of audio-visual data, the audio-visual data stored on a single storage medium with the menu data segment. jlGui discloses a Java Applet, wherein the menu controls playback of audio-visual data stored on the storage medium as the menu data segment (pg. 1, media controls and a

visualizer (spectrograph.)) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of Piroumian and jlGui so as to provide audio-visual data controlled by menu controls. One would have been motivated to combine the teaching of jlGui into Piroumian because jlGui uses the same Java Foundation Classes (JFC) as those used in examples in Piroumian without expounding on further the capabilities allowed by JFC (javax.sound package) as is shown in jlGui.

jlGui does not explicitly disclose wherein the audio-visual data and menu data segment are read from a single storage medium. The Examiner takes Official Notice that personal computers with a single hard disk drive are old and well known in computing arts. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a personal computer having a single hard disk drive so as to store all personal, operating system, and application data thereon, (including audio-visual and menu data) so as to meet the demands of users wanting to play back stored movie files on their personal hard disk drives.

Response to Arguments

6. Applicant's arguments with respect to claims 1-12 have been fully considered but are not persuasive.

7. Applicant argues that "it is understood that the menu item created by the *No-arg constructor* is visible." Examiner respectfully disagrees. Applicant submitted screenshots of resulting JMenuDemo using a No-arg constructor only proves too much.

As shown in Fig. A on page 9 of Applicant's Remarks, an "empty" space as present between Item1 and a separator line. The "empty" Item2 is not visible against the background of the pull down menu - it's invisible. The subsequent selection of this "empty" button further shows that nonetheless the button can be selected, yet what the selection merely shows visible is the highlight that masks over the selected items, and in this case, the invisible item2.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174

AB
February 16, 2009